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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,773	02/12/2004	Kenneth Roger Jones	1033-MS1003	2945
34456	7590	04/05/2006	EXAMINER	
LARSON NEWMAN ABEL POLANSKY & WHITE, LLPL.L.P. 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78746			NGUYEN, TOAN D	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,773

Applicant(s)

JONES ET AL

Examiner

Toan D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the remote digital subscriber line access multiplexer must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 5, 13 and 14 are objected to because of the following informalities:

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In claim 1 line 8, it is suggested to change "the DSL modem;" to --- the DSL modem; and ---.

In claim 5 line 4, it is suggested to change "a remote network" to --- the remote network ---.

In claim 5 line 6, it is suggested to change "a network capable device" to --- the network capable device ---.

In claim 5 line 7, it is suggested to change "an assigned lease" to --- the assigned dynamic lease ---.

In claim 13 line 6, it is suggested to change "a digital subscriber line" to --- the digital subscriber line ---.

In claim 14 line 2, it is suggested to change "an absence of network capable device" to --- an absence of the network capable device ---. Similar problem exists in claim 17 line 7.

Appropriate correction is required.

3. The applicant is advised to cancel claims 6-12 in the next correspondence.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porat et al. (US 2004/0057509) as applied to the claims above, and further in view of Roth (US 2003/0061321).

For claims 1-4, Porat et al. disclose system and method for establishing an XDSL data transfer link, comprising:

detecting the presence of a powered-on network capable device (figure 2, reference 2-1) that is connected to a DSL modem (figure 2, reference 9) (page 3, paragraph [0062] lines 12-18).

However, Porat et al. do not expressly disclose:

establishing a network connection over a DSL line to the remote network after detecting the presence of the powered on network capable device;

terminating the network connection over the DSL line after detecting an absence of network capable devices connected to the DSL modem;

releasing network resources supported by the remote network after the network connection is terminated.

In an analogous art, Roth discloses:

establishing a network connection over a DSL line (page 1, paragraph [0006] lines 1-2) to the remote network (figure 4, reference 40) after detecting the presence of the powered on network capable device (figure 4, reference 10) (page 3, paragraphs [0051]-[0053]);

terminating the network connection over the DSL line (page 1, paragraph [0006] lines 1-2) after detecting an absence of network capable devices (figure 4, reference 10) connected to the DSL modem (figure 4, reference 50) (page 5, paragraph [0109] and paragraph [0111]);

releasing network resources supported by the remote network after the network connection is terminated (page 5, paragraph [0111]).

Roth discloses further comprising assigning a dynamic lease to the network capable device (page 4, paragraph [0061] as set forth in claim 2); further comprising determining when the dynamic lease expires (page 4, paragraph [0061] and paragraph [0073] as set forth in claim 3); further comprising terminating the network connection over the DSL line after detecting that the lease has expired (page 3, paragraph [0049] lines 1-6 as set forth in claim 4).

One skilled in the art would have recognized the establishing a network connection over a DSL line to the remote network after detecting the presence of the powered on network capable device, and would have applied Roth's network structure of the ADSL modem 50 in Porat et al.'s establish a data connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Roth's PPOA spoofing in point-to-point protocol over ATM using an XDSL modem in

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Porat et al.'s system and method for establishing an XDSL data transfer link with the motivation being formed a single network between the NAS 40 and the client PC 10 (page 3, paragraph [0045] lines 2-4).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 2004/0109457) in view of Roth (US 2003/0061321).

For claim 5, Johnson et al. disclose automatic network device route management comprising:

assigning a dynamic lease to a network capable device to permit subsequent connection to a remote network via a DSL modem (page 1, paragraph [0006] lines 7-13).

However, Johnson et al. do not expressly disclose:

establishing a network connection between the DSL modem over a DSL line to the remote network after detecting the presence of a network capable device having an assigned lease;

determining that the dynamically assigned lease has expired; and

terminating the network connection over the DSL line after detecting that the lease has expired.

In an analogous art, Roth discloses:

establishing a network connection between the DSL modem (figure 4, reference 50) over a DSL line (page 1, paragraph [0006] lines 1-2) to the remote network (figure 4, reference 40) after detecting the presence of a network capable device (figure 4, reference 10) having an assigned lease (page 4, paragraph [0061]);

determining that the dynamically assigned lease has expired (page 3, paragraph [0049] lines 1-6); and

terminating the network connection over the DSL line after detecting that the lease has expired (page 3, paragraph [0049] lines 1-6).

One skilled in the art would have recognized the establishing a network connection over a DSL line to the remote network after detecting the presence of a network capable device having an assigned lease, and would have applied Roth's network structure of the ADSL modem in Johnson et al.'s DSL modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Roth's PPOA spoofing in point-to-point protocol over ATM using an XDSL modem in Johnson et al.'s automatic network device route management with the motivation being administrator-defined time limit on the address assignment, call lease (page 1; paragraph [0006] lines 12-13).

8. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth (US 2003/0061321) further in view of Porat et al. (US 2004/0057509).

For claim 13, Roth discloses PPOA spoofing in point-to-point protocol over ATM using an XDSL modem, comprising:

a digital subscriber line (DSL) router (figure 2, reference 20) coupled to a digital subscriber line (page 1, paragraph [0006] lines 1-2) connected to a remote digital subscriber line access multiplexer (figure 2, reference 30) (page 1, paragraph [0015] lines 5-9); and

a digital subscriber line (page 1, paragraph [0006] lines 1-2) between the digital subscriber line router (figure 4, reference 20) and the digital subscriber line access multiplexer (figure 4, reference 30) (page 1, paragraph [0015] lines 5-9) .

However, Roth does not expressly disclose:

the digital subscriber line router including detection logic to detect the presence of a powered-on network capable device that is connected to the DSL router; and

wherein a network connection is made over the digital subscriber line after the detection logic detects the presence of the powered-on network capable device.

In an analogous art, Porat et al. disclose:

the digital subscriber line router (figure 2, reference 9) including detection logic (figure 4, page 3, paragraph [0066] lines 1-18) to detect the presence of a powered-on network capable device (figure 2, reference 2-1) that is connected to the DSL router (page 3, paragraph [0062] lines 12-18); and

wherein a network connection is made over the digital subscriber line after the detection logic detects the presence of the powered-on network capable device (figure 2, reference 2-1) (paragraph [0062] lines 12-19 and paragraph [0077] lines 2-4).

One skilled in the art would have recognized the digital subscriber line router including detection logic, and would have applied Porat et al.'s establishing a data connection in Roth's network structure of the ADSL modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Porat et al.'s system and method for establishing an XDSL data transfer link in Roth's PPOA spoofing in point-to-point protocol over ATM using an XDSL modem with the motivation

being to provide the detection unit 12 to detect a received wake-up signal and switches the XDSL modem to an operation mode (paragraph [0062] lines 16-18).

For claim 14, Roth discloses PPOA wherein the digital subscriber line router terminates the network connection over the DSL line after detecting an absence of network capable devices connected to the DSL router (paragraphs [0109] and [0111]).

For claim 15, Roth discloses wherein the digital subscriber line router initiates release of network resources supported by a digital subscriber line network connection after the network connection has been terminated (paragraph [0111]).

For claim 16, Roth discloses wherein the network connection is a point to point over Ethernet connection (paragraph [0024] line 1).

9. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth (US 2003/0061321) further in view of Johnson et al. (US 2004/0109457).

For claim 17, Roth discloses PPOA spoofing in point-to-point protocol over ATM using an XDSL modem, comprising:

a digital subscriber line router (figure 2, reference 20) coupled to a digital subscriber line (page 1, paragraph [0006] lines 1-2) connected to a remote digital subscriber line access multiplexer (figure 2, reference 30) (page 1, paragraph [0015] lines 5-9); and

a digital subscriber line (page 1, paragraph [0006] lines 1-2) between the digital subscriber line router (figure 4, reference 20) and the digital subscriber line access multiplexer (figure 4, reference 30) (page 1, paragraph [0015] lines 5-9), wherein a

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network connection is made over the digital subscriber line after the lease assignment logic has assigned a lease to the network capable device (page 4, paragraph [0061].

However, Roth does not expressly disclose:

the digital subscriber line router including lease assignment logic to dynamically assign a lease to a network capable device to permit subsequent connection to a remote network via the digital subscriber line.

In an analogous art, Johnson et al. disclose:

the digital subscriber line router including lease assignment logic to dynamically assign a lease to a network capable device to permit subsequent connection to a remote network via the digital subscriber line (page 1, paragraph [0006] lines 7-13).

One skilled in the art would have recognized the digital subscriber line router including lease assignment logic to dynamically assign a lease to a network capable device, and would have applied Johnson et al.'s DSL modem in Roth's network structure of the ADSL modem. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Johnson et al.'s automatic network device route management in Roth's PPOA spoofing in point-to-point protocol over ATM using an XDSL modem with the motivation being administrator-defined time limit on the address assignment, call lease (page 1, paragraph [0006] lines 12-13).

For claim 18, Roth discloses wherein the digital subscriber line router determines that the dynamically assigned lease has expired and terminates the network connection over the DSL line after detecting that the lease has expired (paragraph [0049] lines 1-5).

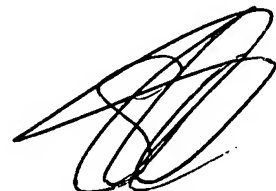
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN



STEVEN NGUYEN
PRIMARY EXAMINER